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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,401	01/19/2000	John R. Shedden	ST9-99-033	3119

7590 04/30/2003

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EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 04/30/2003

60

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/487,401

Applicant(s)

SHEDDEN, JOHN R.

Examiner

Jean B Fleurantin

Art Unit

2172

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

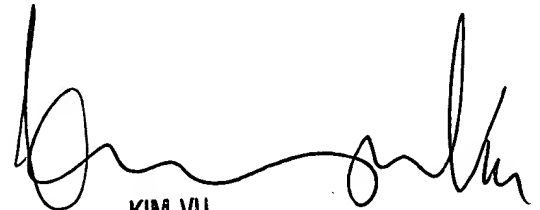
The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.Claim(s) objected to: NONE.Claim(s) rejected: 1-21.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

In response to Applicant's argument on 3, that "it neither describes nor suggests enabling improved access to data stored in a log" However, Examiner disagrees because Yanai ('347) includes the primary data storage system must maintain a log file of pending data which has yet to be written to the secondary data storage device, see col. 7, lines 7-9. Thus, the arguments are not persuasive. In response to Applicant's argument on 3, that "determining a parameter indicative of demand for access to one of said copies of said log and assigning the process to another of said copies if said parameter has reached a threshold value." However, Examiner disagrees because Yanai ('792) includes a separate copy of the configuration information is stored in local memory in each of the channel adapters and link adapters, this configuration information identifies whether a volume is local or secondary and for each primary or secondary volume; which is readable as determining a parameter indicative of demand for access to one of said copies of said log, see Yanai ('792) col. 17, lines 18-23; the total number of copied tracks that were counted in step 477 is compared to a threshold, this threshold determines the number of tracks that must be copied while host processing is inhibited the greater the threshold, however the more quickly the active volume can be migrated, therefore the threshold should be set for about the longest tolerable duration of suspended host access to the data storage system, if step 479 finds that the total number of copied tracks that were counted in step 477 is greater than the threshold then execution branches back to step 475 to begin another iteration; which is readable as assigning the process to another of said copies if said parameter has reached a threshold value, see Yanai ('792), cols. 35-36, lines 62-10. Further, in columns 3 and 37, lines 20-29 and 33-39, Yanai ('792) teaches for each volume the operating modes include a synchronous mode a semi synchronous mode an adaptive copy write pending mode and an adaptive copy disk mode the operating mode for each logical volume can be specified to best suit the purposes of the desired remote mirroring the particular application using the volume and the particular use of data store on the volume, and if the threshold is exceeded then execution loops back to the step to begin another iteration. Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the teachings of Yanai ('347) and Yanai ('792) with determining a parameter indicative of demand for access to one of said copies of said log, and assigning the process to another of said copies of the log if said parameter has reached a threshold value. This modification would allow the teachings of Yanai ('347) and Yanai ('792) to improve the accuracy and the reliability of the active log read I/O balancing for log duplexing.



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